Shirtwise, the Paul Bunyanesque airman had expanded to size 17—38, with the largest standard stock size being 17—37, while his trousers have stretched out to 42—37. Shoe and sox sizes have remained constant, but were already in the custom bracket.

This means that Air Force uniform suppliers will have to fabricate a whole new king-sized wardrobe for the giant airman. This will take approximately 30 days. Shoes are an even greater special problem as only one supplier in the United States makes them in his bracket and it takes about 60 days from order, through manufacture to delivery.

As the only remaining clothing items which Airman Barton had left to wear were a set of fatigues and a pair of tennis shoes, and military regulations require that military personnel traveling in official status must be in uniform, special permission had to be obtained from the Military Air Transport Service for him to travel aboard their aircraft in civilian clothes.

He departed last week for leave at his home in Gardena where he will await the delivery of his special new military wardrobe at March Air Force Base, before reporting to his new duty assignment at Richmond, Ky.

Asked, prior to his departure whether they all came that big in his family, the good-natured airman replied:

Well, dad (Herman O. Barton—a postman in Gardena) comes pretty close at 6-3 and mom is fairly tall, but my two kid brothers and sisters are what you would call normal in height. I guess I'm biggest for some reason.

FISHING VESSEL CONSTRUCTION

Mr. BARTLETT. Mr. President, 2 weeks ago today the Senate passed S. 1006, a bill to provide subsidies for new construction and to update the American fishing fleet for competition in today's highly technical fishing industry. I have here an editorial which appeared in the St. Louis Post Dispatch for October 8 of this year, which clearly and concisely states the need for this legislation and calls for early favorable action by the other body of Congress, and shows the need for this revision of law is appreciated in the interior of the United States as well as the coastal States. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IN JUSTICE TO FISHERIES

The Senate's vote to revive the Fishing Vessel Construction Act of 1960 will, we hope, be promptly followed by favorable action in the House. Its purpose is to provide subsidies for new construction to modernize the American fishing fleet, which is antiquated and falling behind in competition with the fleets of other countries. The consequences have been unemployment in a $350-million-a-year business affecting 500,000 jobs, and rising costs of living with a growing demand for fish being increasingly supplied by imports.

Our fishing fleet is in a disgraceful state. Chesapeake Bay dredgers built before the First World War, New England trawlers more than 20 years old and shrimp boats of 1949 vintage in the gulf are trying with primitive equipment to compete with Japanese and Russian fleets using the most modern methods and equipped with floating factories that enable them to process the catch and stay out at sea 6 months. Even Peru and Poland have outstripped us among the fishing nations and Ghana's fishing fleet is more modern than ours.

Since considerations of national defense require these vessels to be built in U.S. shipyards, at costs the highest in the world, subsidy is a matter of simple justice. Congress is far behind in extending that justice, and revival of the 1960 act should be only a beginning of an effort on its part to promote a fishing fleet in which the country can take pride.

HISTORY OF THE DISTRICT OF COLUMBIA

Mr. ROBERTSON. Mr. President, as all Members of Congress know, we are celebrating the 100th anniversary of a dual banking system. One of the complaints of the Colonies was that the Mother Country would not let them have their own currency. However, prior to the Revolutionary War, several State banks were established that issued script that was used for currency.

The first, and in the opinion of many, the greatest Secretary of the Treasury, Alexander Hamilton, of New York, advocated the establishment of a national bank and the act creating it was passed by the Congress of the new United States of America in 1792. The charter of that bank was permitted to expire and Congress authorized a new national bank in which the Federal Government had a larger interest. One of the issues in the presidential campaign of 1828 was the abolishment of that bank. In furtherance of that action, President Andrew Jackson, who was elected in 1828, withdrew all Federal funds from the bank and then Congress did not vote to extend its charter. The banking business of the Nation was then taken over by State banks but they issued banknotes which passed for money and many of which later became worthless because of numerous bank failures. In 1863, Congress passed the law establishing national banks, under which we still operate.

In making a brief reference to this banking history in an address before the annual meeting of the American Bankers Association, at Constitution Hall, on October 9, I mentioned the rumor that I had heard that Alexander Hamilton had made a deal with Thomas Jefferson that a District of Columbia, comprising an area of 10 square miles could be located, partly in Virginia and partly in Maryland, if Jefferson, Secretary of State in Washington's first Cabinet, would not oppose Hamilton's proposal to establish a national bank.

Being none too certain about the real facts, I made an inquiry over the telephone of a distinguished descendant of Alexander Hamilton, Hon. Laurens M. Hamilton, of Washington, and Fauquier County, Va. He has written me a very interesting letter in which he refers to the fact that the agreement I had in mind between Hamilton and Jefferson was evidently concerning the Hamilton proposal for the National Government to assume the debts incurred during the Revolutionary War by the States and not with reference to the establishment of a national bank.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
October 15, 1963.

Hon. A. WILLIS ROBERTSON,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: I have spent several instructive and enjoyable hours since your phone call last week trying to trace down the details of just exactly what was involved in the agreement between Thomas Jefferson and Alexander Hamilton in 1790 to which you referred in your recent address before the American Bankers Association.

Your remarks on that occasion as reported in the copy of the CONGRESSIONAL RECORD, of Thursday, October 10, which you were kind enough to send me, do not include, at least as far as I can find such reference as you made to this subject in your address, but as I recall your conversation of last week you were of the impression that it had been Hamilton's consent to the location of the National Capital on the Potomac which had won from Jefferson consent as to the establishment of a central bank.

I find that the two factors involved in the "deal" between Hamilton and Jefferson were on the one hand the location of the National Capital and on the other the assumption by the Federal Government of debts incurred by the several States during the Revolution. This proposal was an important part of Hamilton's "Report on the Public Credit" and it had met with strong opposition from some quarters in Congress, notably from Mr. Madison of Virginia, and although it at one time passed the House it was recalled and became the subject of considerable subsequent debate.

On the other hand the question of establishing a permanent seat of government was also much debated during the first session of the first Congress. The Continental Congress had on more than one occasion found Philadelphia very little to its liking. What is described in one book as "the mutinous behavior" of certain Pennsylvania troops in 1783 led to the adoption of a resolution, introduced by Hamilton, transferring the Congress to Princeton, N.J., and subsequently the seat of government had been transferred to New York City where the first session of the Congress under the Constitution of 1787 assembled in 1789 and where George Washington was inaugurated on April 30 of that year.

The provision written into section 8 of article 1 of the Constitution giving power to the Congress to set up a Federal District not to exceed 10 miles square, apparently reflected the unanimous opinion of the delegates to the Constitutional Convention in 1787, for I find no record of it having been seriously debated at any time.

Apparently at some time during its first or second session the Congress adopted an act "for establishing the temporary and permanent seat of government of the United States" and delegated to the President the power to set up a commission to survey a territory of 10 miles square on both sides of the Potomac. I find a note that this act was approved by the Congress on July 16, 1790, shortly after the meeting between Jef-

ferson and Hamilton. The counterpart of the bargain between them, namely the Assumption Act, was approved on August 4, 1790. I shall refer on some future occasion to the act setting up the first bank of the United States, but that did not occur until 1792 so I am sure you will agree that if it was mentioned at all at the meeting between Jefferson and Hamilton in 1790 it must have been considered by both of them of less importance than the other two subjects.

I find that President Washington sent a message to Congress on January 24, 1791, transmitting a proclamation setting up a Survey Commission composed of three gentlemen. According to other records I have consulted, these gentlemen were Thomas Johnson of Frederick, Md., Daniel Carroll of Rock Creek, Md., and Dr. David Stuart of Fairfax, Va.

By a later proclamation, dated "at Georgetown" on March 30, 1791, President Washington set the definite location of what became the District of Columbia which consisted of a square 10 miles on each side. The southeast corner was at Jones Point just outside Alexandria from which the southern line ran at an angle of 45 degrees west of north and of which the eastern line ran across the Potomac to the Maryland side, naturally at an angle of 90° from the first line.

The northern side paralleled the southern side across what was then called Eastern Branch in Maryland to a point near Silver Spring, Md., and the western side dropped down to meet the western end of the southern side near Falls Church, Va.

I will not bore you with more precise information as to the subsequent development and political management of the District of Columbia which is a whole subject in itself, but it might be of interest to point out here that of the original 100 square miles roughly 60 were ceded by the State of Maryland and the remainded by the State of Virginia. This latter part was subsequently receded to Virginia in, I believe, 1846 and become what is today known as Arlington County. If you examine a road map of this area you will note that the boundaries of Arlington County and the boundaries of the present District of Columbia outline a square which was the original District.

As to the Assumption Act, I find a discrepancy between figures given by one contemporary authority and those given by another, but the sum involved was somewhere between $18 million and $22 million.

There is no question but what the intervention of Jefferson was as essential on his side to obtain approval for the Assumption Act, as was the intervention of Hamilton among his followers for the location of the Federal District on the Potomac. Other sites more favored by the Northern States were on the Susquehanna or the Delaware and at one time Baltimore was considered as the best location. It seems a reasonable presumption that President Washington's personal preference naturally was for the Potomac.

I recall having heard some years ago from a friend who lives near Alexandria that he had discovered on Jones Point an historical marker referring to that location as the original point from which the lines of the District of Columbia were laid out. This is amply confirmed by President Washington's proclamation and it might be that at some time someone might look into locating similar markers at the other three corners.

So much for what I have been able to learn of what was certainly the first instance of "logrolling" in our Congress.

Sincerely yours,

LAURENS M. HAMILTON.

Mr. LONG of Louisiana obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Louisiana yield, without losing his right to the floor?

Mr. LONG of Louisiana. I yield with that understanding.

AUTHORIZATIONS FOR ALIEN AMATEUR RADIO OPERATORS TO OPERATE AMATEUR RADIO STATIONS IN THE UNITED STATES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 540, S. 920.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 920) to amend sections 303 and 310 of the Communications Act of 1934 to provide that the Federal Communications Commission may issue authorizations for alien amateur radio operators to operate their amateur radio stations in the United States.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with amendments on page 2, line 3, after the word "That", to strike out "clause" and insert "subsection"; in line 7, after the word "such", to strike out "clause" and insert "subsection"; in line 9, after the word "and", to strike out "part (1) of this clause" and insert "paragraph (1) of this subsection"; in line 19, to strike out "radio operators." and insert "radio operators: *Provided*, That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: And provided further, That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request."; on page 3, at the beginning of line 11, to strike out "clauses" and insert "paragraphs"; and in line 20, to strike out "radio operators." and insert "radio operators: *Provided*, That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further*, That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (1) of section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended—

(1) by inserting "(1)" immediately after "(1)"; and

(2) by adding at the end of such subsection the following: "(2) Notwithstanding section 301 of this Act and paragraph (1) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators: *Provided*, That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further*, That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization."

SEC. 2. Subsection (a) of section 310 of the Communications Act of 1934 is amended by adding at the end thereof the following: "Notwithstanding section 301 of this Act and paragraphs (1) and (2) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators: *Provided*, That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further*, That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization."

Mr. PASTORE. Mr. President, this is a noncontroversial bill. It relates to the permission given to the Government to enter into reciprocal agreements with other governments to license our amateur radio operators abroad. An explanation of the bill appears in the report, beginning on page 1 and ending on page 5, I ask unanimous consent that the explanation be printed at this point in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

This bill would amend section 303 (dealing with operators) and section 310 (dealing with station licenses) of the Communications Act of 1934 to permit the Federal Communications Commission to authorize alien amateur radio operators to operate their

nateur radio stations in the United States, s possessions, and the Commonwealth of erto Rico, provided there is in effect a bi-teral agreement between the United States nd the alien's government for such opera-on by U.S. amateurs on a reciprocal basis. n September 3, 1963, a hearing was held. he principal sponsor of the bill, Senator OLDWATER, and a number of officials of the merican Radio Relay League, which in-ludes nearly 100,000 United States and anadian amateurs in its membership, testi-ed in support of the bill. In addition, the ecord contains a number of letters relating o the legislation. No person testified in pposition.

HISTORY AND NEED FOR LEGISLATION

A bill (S. 2361) was introduced in the 87th Congress to amend the Communica-tions Act to provide for licensing of alien amateur operators by the Federal Communi-cations Commission if it found the national security would not be endangered. No hearings were held on that bill. However, agency reports indicated problems with a full-scale licensing procedure in the case of aliens and disclosed a number of technical problems with the bill's language. The present bill was drafted to take into account the issues raised in certain agency reports on S. 2361.

S. 920 would permit the United States to enter into reciprocal agreements whereby our amateurs would receive authority to operate in selected foreign countries in return for the United States granting their amateurs a similar privilege here. Such an action is now prohibited by the Communications Act which, with respect to amateurs, allows only U.S. citizens to operate within our boundaries. The sole exception to this is Canadian citizens given such privileges in a 1952 treaty between the United States and Canada. Testimony was received that the 1952 treaty with Canada on this subject has worked well. A simple registration procedure is followed, with the amateur using his own call signs, together with appropriate designation of the area in which he is operating.

While 31 countries presently extend to our amateurs the privilege of operating in their countries despite the absence of reciprocal privileges for their citizens, many other countries refuse to extend such privileges except on the basis of reciprocity. Moreover, the lack of reciprocity has given rise to some ill will and misunderstanding. At present there are bilateral agreements with some 17 nations, including Mexico and many Latin American nations, permitting our radio amateurs to exchange noncommercial third-party messages with amateurs licensed in those countries. The committee received testimony that improved international good will and understanding would result from increased person-to-person contact aided by passage of the bill. The view was also expressed that proposals advanced in current discussions with the Peace Corps concerning possible use of surplus and donated equipment to introduce such communications to some parts of the world would be aided by adoption of this bill.

Testimony was received that the fact such legislation promotes international good will was manifested at the Ninth Plenary Assembly of the International Radio Consultative Committee (CCIR), held in Los Angeles in 1959. The 86th Congress that year approved Senate Joint Resolution 47 which permitted amateurs of foreign nations to operate a special events amateur radio station established for the conference, on proof that each held a current amateur license issued by his government. It was indicated that the participants were most appreciative of the U.S. courtesy in extending such privileges.

A main purpose of the bill is to help American citizens—not only tourists but also those who reside overseas, such as military personnel, diplomatic personnel, missionaries, Peace Corps workers, and others who may wish to pursue their amateur radio hobby while away from home. In this regard, it is noted that the United States has 258,347 amateurs while all other countries have a combined total of only 112,238. This, coupled with the extensive travel of our citizens abroad, indicates the potentially greater extent to which our own citizens may benefit by this bill.

AGENCY VIEWS

A number of interested agencies, including the Federal Communications Commission, and the Departments of State, Justice, and Defense filed comments on the bill. The Department of Defense supported the bill and the other named agencies were substantially of the view that they did not object to the bill in principle if considerations of national security are properly provided for.

SECURITY CONSIDERATIONS

Several witnesses testified that whatever security problems inhere in the use of radio presently exist and that the type of procedure contemplated by this bill would not create any new ones. It was emphasized that anyone bent on use of radio for subversive activities would not be impaired by absence of a proper authorization for use of radio. Moreover, it was stated that amateur radio would be among the least desirable for clandestine use. The view was expressed that with rapid jet air service carrying diplomatic pouches, with high speed and coded teletype services available by cable, as well as by radio incapable of being monitored, it is hard to believe a foreign government would seek to use the privilege proposed by S. 920 as a means of transmitting high priority information from this country.

With regard to a similar problem, your committee held hearings in the 87th Congress on S. 3252 and H.R. 11732, which became Public Law 87-795, that amended the Communications Act of 1934 to permit the President to authorize foreign governments to operate low-powered radio stations at their embassies in the District of Columbia.

Under S. 920, any potential security problems would be minimized initially by the prerequisite of a bilateral agreement, and by the normal precautions taken in the issuance of visas to permit entry into the country. However, because some agencies had unresolved problems with possible security aspects of the bill, a meeting was held with the interested agencies to discuss and work out the problems involved in the security question. A procedure agreeable to those agencies was devised and appropriate amendatory language prepared, which amendment the committee adopted in order to clarify the matter. In the appendix to this report is a letter dated September 30, 1963, from the Federal Communications Commission, concurred in by the Departments of State, Justice, and Defense, and the Central Intelligence Agency, on this subject.

COMMITTEE AMENDMENTS

To meet the agency reservations noted with respect to security, your committee feels that the bill should be made more specific in this regard and adopted the following amendment: After the word "operators" at page 2, line 18 and page 3, line 9 add:

"*Provided,* That when an application for an authorization is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested authorization may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request."

The Department of Defense suggested as a technical amendment that the words "if it finds that the public interest, convenience, or necessity may be served" be deleted from the title of the bill because this requirement does not appear in the text of the bill. The committee believes this language is unnecessary and, therefore, deleted it.

A number of technical amendments have been made to conform with present wording of the Communications Act:

Page 2, line 3, delete "clause" and substitute "subsection".

Page 2, line 7, delete "clause" and substitute "subsection".

Page 2, line 9, delete "part (1) of this clause" and substitute "paragraph (1) of this subsection".

Page 3, line 1, delete "clause" and substitute "paragraphs".

PROCEDURES TO BE FOLLOWED

Upon enactment of S. 920, as amended herein, the way would be clear for the executive branch to enter into bilateral agreements with such nations as it deems desirable. There was testimony that a bilateral agreement could be effected through the simple and effective procedure of an exchange of notes by our Department of State and the appropriate department of the other government, in the same or a similar manner as that now folowed in reaching third-party traffic agreements under which amateurs of the two countries may exchange messages for third parties. The Department of State has indicated that in negotiating such agreements it would coordinate its activities with other interested Government agencies. It is expected, of course, that the Federal Communications Commission will render technical asistance in this regard.

This bill gives very wide latitude to the Federal Communications Commission in imposing such terms and conditions as may be necessary in the public interest. It specifically provides that other provisions of the Communcations Act and of the Administrative Procedure Act shall not be applicable to any request or application for, or modification, suspension, or cancellation of, any such authorization. Thus, the authorization is of a somewhat unique variety and is not entitled to the protections ordinarily associated with a licensing procedure. As testified, hearings would not be required and termination, which could be for any reason, may be in any manner and without prior notice. As an example of the Commission's latitude, one witness stated it could restrict operation by a noncitizen amateur to a specific location or area, to a specific frequency or frequencies, to specific modes of operation such as continuous wave Morse code, amplitude modulation voice, or single sideband voice, and/or to specific hours of the day. It could require all transmissions to be in English, have call letters or signs transmitted at more frequent intervals than required for citizen amateurs, or require that logs of all transmissions and operations be submitted at regular intervals, etc.

In short, such procedures as are deemed desirable may be incorporated into the bilateral agreements or into rules, adopted without the necessity of public rulemaking procedures under the Administrative Procedure Act, promulgated by the Commission.

Using such forms as the Commission may adopt, an alien amateur, whose country has the required reciprocal agreement with the United States, may request authority from the Federal Communications Commission to operate his amateur radio station in the United States. It is not the intent of the committee to establish the procedure to be followed. Some testimony indicated the request could be forwarded through our consul

in the country involved, who could verify the fact that the individual is so licensed by his home country. In any event, once the Commission receives the request, together with some verification that the individual is properly licensed by his home country, and the requisite bilateral agreement is in effect, it then becomes a matter solely within the discretion of the Commission as to whether the authority should be granted and, if so, the terms and conditions of the grant.

It is the hope of the committee that the Federal Communications Commission, in working out the procedures implementing this legislation, will not establish cumbersome procedures that may defeat the objectives that underlie the purpose of the bill. It should be noted here that time will frequently be of the essence when authorizations are requested, where perhaps vacation and travel plans are made on rather short notice. Delays necessitated by coordinating with so many agencies must not be permitted to derogate from the very type of good will which the bill intends to promote. The committee expects, therefore, that all agencies involved will treat such matters expeditiously.

CONCLUSION

The committee believes that with the security safeguards written into it, the bill is in the national interest. As noted, it will potentially benefit any of the quarter of a million U.S. amateur radio operators, and it is not expected to impose costly or burdensome requirements on any agency.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 920) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to amend sections 303 and 310 of the Communications Act of 1934, as amended, to provide that the Federal Communications Commission may issue authorizations, but not licenses, for alien amateur radio operators to operate their amateur radio stations in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by United States amateurs on a reciprocal basis."

REFERRAL OF A BILL

On request of Mr. MANSFIELD, and by unanimous consent, the bill (S. 1973) to amend the act of July 8, 1940, relating to the transportation of the remains, families, and effects of Federal employees dying abroad, so as to restore the benefits of such act to employees dying in Alaska and Hawaii, and for other purposes, was referred to the Committee on Post Office and Civil Service.

ADDITIONAL COMMISSIONERS OF THE U.S. COURTS OF CLAIMS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 136, S. 102.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 102) to amend title 28, United States Code, to provide for additional Commissioners of the U.S. Court of Claims, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, on page 1, after line 7, to strike out:

SEC. 2. The chapter analysis of chapter 51 of title 28, United States Code, is amended by adding thereto the following new catchlines:

"796. Retirement and recall of commissioners."

"797. Annuities to widows and dependent children of commissioners."

On page 2, after line 2, to strike out:

SEC. 3. Chapter 51 of title 28, United States Code, is amended by adding thereto a new section 796 reading as follows:

"§ 796. Retirement and recall of commissioners."

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'Court of Claims' means the United States Court of Claims.

"(2) the term 'Civil Service Commission' means the United States Civil Service Commission.

"(3) the term 'commissioner' means any commissioner of the Court of Claims; but such term does not include any individual performing judicial duties pursuant to subsection (c).

"(4) the term 'Civil Service Retirement Act' means the Civil Service Retirement Act of May 29, 1930, as amended, and, specifically, as renumbered by the Act of July 31, 1956 (70 Stat. 736, 745; 5 U.S.C. 2251 et seq.).

"(5) in any determination of length of service as commissioner there shall be included all periods during which an individual served as a commissioner of the Court of Claims.

"(b) RETIREMENT.

"(1) Any commissioner who has served as commissioner for eighteen years or more may retire at any time.

"(2) Any commissioner who has served as commissioner for ten years or more and has attained the age of seventy shall retire not later than the close of the third month beginning after whichever of the following months is the latest:

"(A) The month in which he attained age seventy; or

"(B) The month in which he completed ten years of service as commissioner.

Section 5 of the Civil Service Retirement Act (relating to automatic separation from the service (5 U.S.C. 2255)) shall not apply in respect of commissioners.

"(c) RECALLING OF RETIRED COMMISSIONERS. Any individual who is receiving retired pay under subsection (d) may be called upon by the chief judge of the Court of Claims to perform such judicial duties with the Court of Claims as may be requested of him for any period or periods specified by the chief judge; except that in the case of any such individual—

"(1) the aggregate of such periods in any one calendar year shall not (without his consent) exceed ninety calendar days; and

"(2) he shall be relieved of performing such duties during any period in which illness or disability precludes the performance of such duties.

Any act, or failure to act, by an individual performing judicial duties pursuant to this subsection shall have the same force and effect as if it were the act (or failure to act) of a commissioner of the Court of Claims; but any such individual shall not be counted as a commissioner of the Court of Claims for purposes of section 792. Any individual who is performing judicial duties pursuant to this subsection shall be paid the same compensation (in lieu of retired pay) and allowances for travel and other expenses as a commissioner.

"(d) RETIRED PAY. Any individual who after the date of the enactment of this section—

"(1) ceases to be a commissioner by reason of paragraph (2) of subsection (b), or ceases to be a commissioner after having served as commissioner for eighteen years or more; and

"(2) elects under subsection (c) to receive retired pay under this subsection,

shall receive retired pay at a rate which bears the same ratio to the rate of the salary payable to him as commissioner at the time he ceases to be a commissioner as the number of years he has served as commissioner bears to 24; except that the rate of such retired pay shall be not less than one-half of the rate of such salary and not more than 80 per centum of the rate of such salary. Such retired pay shall begin to accrue on the day following the day on which his salary as commissioner ceases to accrue, and shall continue to accrue during the remainder of his life. Retired pay under this subsection shall be paid in the same manner as the salary of a commissioner. In computing the rate of the retired pay under this subsection for any individual who is entitled thereto, that portion of the aggregate number of years he has served as a commissioner which is a fractional part of one year shall be eliminated if it is less than six months, or shall be counted as a full year if it is six months or more.

"(e) ELECTION TO RECEIVE RETIRED PAY.—Any commissioner may elect to receive retired pay under subsection (d). Such an election—

"(1) may be made only while an individual is a commissioner;

"(2) once made, shall be irrevocable; and

"(3) shall be made by filing notice thereof in writing with the chief judge of the Court of Claims.

The chief judge of the Court of Claims shall transmit to the Civil Service Commission a copy of each notice filed with him under this subsection.

"(f) INDIVIDUALS RECEIVING RETIRED PAY TO BE AVAILABLE FOR RECALL.—Any individual who has elected to receive retired pay under subsection (d) who thereafter—

"(1) accepts civil office or employment under the Government of the United States (other than the performance of judicial duties pursuant to subsection (c)); or

"(2) performs (or supervises or directs the performance of) legal services for his client, his employer, or any of his employer's clients in the prosecution of any claim against the United States cognizable by the Court of Claims,

shall forfeit all rights to retired pay under subsection (d) for all periods beginning on or after the first day on which he accepts such office or employment or engages in any activity described in paragraph (2). Any individual who has elected to receive retired pay under subsection (d) who thereafter during any calendar year fails to perform judicial duties required of him by subsection (c) shall forfeit all rights to retired pay under subsection (d) for the one year period which begins on the first day on which he so fails to perform such duties.

"(g) COORDINATION WITH CIVIL SERVICE RETIREMENT—

"(1) GENERAL RULE.—Except as otherwise provided in this subsection, the provisions of the Civil Service Retirement Act (includ-